THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19355 of 1999

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in insisting the petitioner society for payment of wages under G.O.Ms.No.33 dated 6.3.1991, even though the first respondent issued G.O.Ms.No.107 dated 24.6.1991 specifically for handloom and weaving establishment, as arbitrary and illegal.

The only grievance of the petitioner society is that for the purpose of payment of minimum wages to various categories of people working in weaving establishment, Government of A.P. issued G.O.Ms.No.107 dated 24.6.1991 fixing minimum wages against each category of employee working in handloom weaving establishment. Whereas, respondents 2and 3 and the 4th respondent Union are insisting for payment of wages as per G.O.Ms.No.33 dated 6.3.1991, which is arbitrary and illegal.

The learned counsel for petitioner contended that G.O.Ms.No.33 dated 6.3.1991 is a general G.O. issued for the employees working in the shops and commercial establishments in the State of A.P., whereas, G.O.Ms.No.107 dated 24.6.1991 was issued specifically to the handloom weaving establishment in the State of A.P. after having consulted with the State Minimum Wages Advisory Board and therefore the petitioner society is governed by G.O.Ms.No.107 dated 24.6.1991 and it has obliged to pay the minimum wages as fixed thereunder and not under G.O.Ms.No.33 dated 6.3.1991.

Whereas, the learned counsel for respondents strenuously contended that G.O.Ms.No.33 dated 6.3.1991 is issued in respect of employees working shops and commercial establishments in the State of A.P. and the place and nature of work attended to by the members of its Union is a commercial establishment and further, the petitioner society has been

registered under the Shops and Establishments Act, therefore, G.O.Ms.No.33 is applicable to the employees of petitioner's society, but not G.O.Ms.No.107. I am afraid, I cannot agree with the arguments advanced by the learned counsel for respondents. G.O.Ms.No.107 is the specific G.O. issued for handloom weaving establishment, therefore, the petitioner society is obligated to pay minimum wages under G.O.Ms.No.107 and not under G.O.Ms.No.33. Simply because, a general G.O. has been issued as to shops and commercial establishments in the State of A.P., that does not mean that the very said G.O. is applicable in case of employees of petitioner society. The employees of the petitioner society are strictly governed by the minimum wages as fixed under G.O.Ms.No.107.

In view of the same, the respondents are directed not to insist upon the payment of minimum wages under G.O.Ms.No.33 dated 6.3.1991. The employees of the 4th respondent Union are entitled for minimum wages as per G.O.Ms.No.107 dated 24.6.1991.

The writ petition is accordingly allowed. No order as to costs.

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C.V.RAMULU,
J

Date: 26.4.2007

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19355 of 1999

26.4.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.19355 of 1999

Date: 26th April, 2007

Between:

Yemmiganur Weavers Cooperative Production
and Sales Society Ltd., Yemmiganur, Kurnool district,
rep. by its Secretary.

.. Petitioner

And

Government of Andhra Pradesh, Women's
Development, Child Welfare and Labour Department
(Lab.II), Secretariat, Hyderabad & others.

.. Respondents